NEVADA ENVIRONMENTAL COMMISSION STATE FISCAL YEAR 1999 JULY 1, 1998 TO JUNE 30, 1999 QUARTERLY REPORTS

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

QUARTERLY REPORT NEVADA ENVIRONMENTAL COMMISSION PERIOD OF JULY THROUGH SEPTEMBER 1998 1st QUARTER STATE FY 1999

The Nevada State Environmental Commission held one regulatory hearing and one appeal hearing during the quarter. The regulatory hearing was held on September 24, 1998 in Reno. The Commission acted on three permanent regulatory petitions. The appeal hearing involved two days, the first being a site visit to Jarbidge on September 16 with a continuation on September 17 in Elko. Prior to the appeal hearing the Environmental Commission conducted a teleconference to on August 27, 1998 to select panelist for the Elko appeal hearing. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 1999.

ID#	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 1999
SEC-005	Number of public hearings	2				2	5
SEC-007	Number of appeal hearings	1				1	4
SEC-006	Number of regulations adopted	3				3	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/3				0/3	4/10 ***
SEC-011	Appeals scheduled vs appeals heard	3/1					10/6 ***
SEC-012	Staff Information Responses within 3 days	21/21				21/21 100 %	140/140
	Number of ratification	8					-

^{*** -} Reported upon Performance Measures for State Fiscal Year 1999

ENVIRONMENTAL COMMISSION REGULATORY HEARINGS

The Environmental Commission held one regulatory hearing during the quarter. A total of three petitions were adopted. Below is a summary of petitions adopted by the Commission

Petition 98008 (LCB File No. R-124-98) is a permanent petition amending NAC 444.8427 to 444.9452, the hazardous waste management regulations. The amendments update those regulations adopted by reference from July 1, 1997 to July 1, 1998 for NAC 444.8427, 444.84275, 444.850, 444.8632 and 444.9452. The major changes by the adoption by reference are new land disposal restrictions treatment standards for metal bearing wastes, including toxicity characteristics for metal wastes and hazardous waste from minerals. The new federal regulations will exclude from the definition of solid waste certain shredded circuit boards in recycling operations as well as certain materials used in wood preserving operations. The amendments are necessary to incorporate changes to the federal hazardous waste regulations to refer to the most current federal regulations, to revise state regulations to be more consistent with federal regulations and to make technical corrections to state regulations.

Petition 98009 (LCB File No. R-125-98) is a permanent regulation amending NAC 444.84555 by adding language to expand the application process for a written determination for the construction and operation of a facility for the recycling of hazardous waste including: the basis for determining the economic value of a hazardous waste recycling process; requirements for public participation; and provisions for revocation, modification and appeal of administrator's decision. The amendments are necessary to provide the administrator with the relevant information and facts to properly review written determination applications and determine whether and when it is appropriate to issue, modify, suspend, revoke or deny a written determination.

Petition 98010 (LCB File No. R-126-98) is a permanent regulation amending NAC 445B.221 by the adoption by reference of 40 CFR 63.40 through 63.44, dealing with construction or reconstruction of major sources of hazardous air pollutants and maximum achievable control technology (MACT) requirements. This adoption by reference implements section 112(g) of the Clean Air Act Amendments of 1990, the Operating Permit Program. In addition, the date reference to 40 CFR Parts 72 and 76 has been updated from July 1, 1997 to January 1, 1998. The amendments are necessary since the State must have the authority to review construction and reconstruction of major sources of hazardous air pollutants as part of the Part 70 Operating Permit Program.

Non Regulatory Items

The Environmental Commission received a report and recommendations from the Division of Environmental Protection, Bureau of Air Quality, regarding an evaluation of the Clark County Health District Air Pollution Control Division's Emission Credit Program. On June 17, 1998, the Environmental Commission requested the Division to determine whether the Clark County Health District was implementing the recommendations pertaining to an independent management report, issued May 28, 1998, by Stewart, Archibald & Barney, that focused on the District's emission offset program. The Commission also requested that the issue be revisited when the Health Districts's January 1999 audit is completed. The Commission acted to not accept the request from Mr. Robert Hall regarding a his petition dated August 26, 1998 requesting a reconsideration of his previous petition acted upon by the Commission on June 17, 1998.

APPEAL HEARINGS

The Environmental Commission conducted an appeal hearing in the matter of Elko County versus the Nevada Division of Environmental Protection, Bureau of Water Pollution Control. The appeal submitted by Elko County trigger requirements in the Nevada Administrative Code. Nevada Administrative Code (NAC) 445A.311 provides that the Environmental Commission determine the members of appeal panels when an appeal deals with water pollution control decisions relating to diffuse (non point sources) NAC 445A.305 to 445A.340. The teleconference dealt with the appeal submitted by Elko County in regards to the Finding of Alleged Violation and Order dated July 23, 1998 by the Nevada Division of Environmental Protection's Bureau of Water Pollution Control. This matter relates to the issue of a tributary of the Jarbidge River. Selected to sit on the appeal panel were Commissioners Turnipseed (Chairman), Commissioner Doppe and Commissioner Coyner.

The Nevada Division of Environmental Protection's Bureau of Water Pollution Control issued a Finding of Alleged Violation (FOAV) and Order on July 23, 1998 to Elko County, Nevada pursuant to Nevada Revised Statutes (NRS) 445A.675 "Violations: Remedies" and 445A.690 "Violations: Compliance Orders". The Finding alleged that Elko County is in violation of the state's water pollution control law due to activities conducted by the Elko County Road Department as part of its South Canyon Road repair project resulting in a point source discharge to the Jarbidge River. The Division alleged that Elko County violated NRS 445A.465 "Unlawful discharge of a pollutant without a permit". The Division alleges that Elko County failed to secure a water pollution control permit for a "point source" as required by Nevada Administrative Code (NAC) 445A.266(1)(c) and NRS 445A.395.

This hearing was originally scheduled for September 3, 1998, however at the Environmental Commission teleconference on August 27, 1998 Elko County stipulated for a two week continuance. The Commission proceeded on September 16, 1998 to Jarbidge and opened the hearing by taking testimony from the Elko County road supervisor and then conducting a tour of the South Canyon area. The Commission on September 17, 1998 reconvened the hearing at the Elko County Convention Center hearing both the State and Appellants case in chief. The Environmental Commission decided to up hold the Division finding that a water pollution control rolling stock permit was necessary. The Commission instructed the appellant that they were to submit the necessary application to the Division, and that when complete and satisfactory for the Division to issue the permit to the appellant. The Commission also recommended that the Division not seek more penalties amounting to more than \$ 1,000.00.

SETTLEMENT RATIFICATION

The Environmental Commission on September 24, 1998 ratified eight air quality settlements. The settlement for IMV NEVADA was originally for \$ 5,040, but the Commission acted to reduce the penalty to \$ 1,000.

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
NOAV # 1320	Ames Construction Co.	\$ 5,280	Eureka
NOAV # 1313 & 1314	Foreland Corporation	\$ 900	Nye
NOAV # 1327 & 1328	Frehner Construction	\$ 22,760	Elko
NOAV # 1334 & 1335	Granite Construction	\$ 30,000	Elko
NOAV # 1307	LSP Products Group Inc.	\$ 5,500	Carson City
NOAV # 1308	LSP Products Group Inc.	\$ 125	Carson City
NOAV # 1316	IMV Nevada	\$ 1,000	Nye
NOAV # 1330	Uhalde-Lease	\$ 1,550	Lander
QUARTERLY TOTALS		\$ 67,115	
FISCAL YEAR 1999 TOTALS		\$ 67,115	

OVERTIME ACCRUED

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

AS PREPARED BY

David R. Cowperthwaite, Executive Secretary, October 5, 1998

QUARTERLY REPORT NEVADA ENVIRONMENTAL COMMISSION PERIOD OF OCTOBER THROUGH DECEMBER 1998 2nd QUARTER STATE FY 1999

The Nevada State Environmental Commission held one regulatory hearing during the quarter. The regulatory hearing was held on December 8th & 9th, 1998 in Las Vegas. The Commission acted on four temporary regulatory petitions. A fifth regulation was heard, but later withdrawn. The Commission at this hearing also acted upon a air quality operating permit variance request from the US DOE, a letter from the Advisory Committee on the Control of Emissions for Motor Vehicles and a letter from Clark County Health District regarding MTBE. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 1999.

ID#	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 1999 ***
SEC-005	Number of public hearings	2	1			3	5
SEC-007	Number of appeal hearings	1	0			1	4
SEC-006	Number of regulations adopted	3	4			7	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/3	4/0			4/3	4/10 ***
SEC-011	Appeals scheduled vs appeals heard	3/1	1/0			4/1	10/6 ***
SEC-012	Staff Information Responses within 3 days	21/21	17/17			38/38 100 %	140/140
	Number of ratification	8	5			13	-

^{*** -} Reported upon Performance Measures for State Fiscal Year 1999

ENVIRONMENTAL COMMISSION REGULATORY HEARINGS

The Environmental Commission held one regulatory hearing during the quarter. A total of four temporary petitions were adopted and five heard. Below is a summary of petitions heard and adopted by the Commission. Permanent petition 98007 (LCB File No. R-121-98) regarding the integration of the Chemical Accident Prevention Program with the Clean Air Act's 112 Risk Management Program was listed in the public notice but later withdrawn due to need for further drafting by LCB. Temporary petition 1999-04 was presented to the Commission and later withdrawn by the Administrator of the Division of Environmental Protection.

Petition 1999-01 is temporary regulation amending NAC 445A.121, 445A.143, 445A.213 of the water pollution control regulations. The regulations were amended to add the term "surface" in describing standards applicable to all waters. NAC 445A.143, the Colorado River salinity standards, is was amended to include the term "flow weighted annual average". NAC 445A.213, the minimum quality criteria applicable to interstate waters, was repealed. (ADOPTED)

Petition 1999-02 is a temporary regulation amending NAC 445A.232 "fees" in the water pollution program by extending the date of expiration from July 1, 1999, to July 1, 2001. The portion of NAC 445A.232 effective from July 1, 1999 to July 1, 1999 is repealed, and that portion of NAC 445A.232 effective on July 1, 2001 is retained. This petition affects mining water pollution control discharge fees. This petition amends a 1997 action where the fees were amended with three rolling escalating fee schedules between the time of adoption and the year 2001. Those mining water pollution control fees currently in effect are proposed to be retained until July 1, 2001. The intermediate fee schedule is proposed to be repealed by this action. (ADOPTED)

Petition 1999-03 is a temporary amendment to NAC 445B. The regulation amends NAC 445B.319, 445B.327 and 445B.331 by increasing air quality operating permit fees for administrative amendments, Class I and II operating permits and change of location permits. The regulation adds new fees for Prevention of Significant Deterioration (PSD) permits and major revisions to PSD permits. The regulation increases the annual emission fees and annual maintenance fees for all stationary sources. (ADOPTED)

Petition 1999-04 is a temporary amendment to NAC 445A. The amendment adds a definition for the term "rolling stock". The term "temporary permit" is also defined and exceptions clarified. The conditions and procedures for issuing temporary permits are proposed by this petition. NAC 445A.313 is proposed to be amended to include the term "diffuse source" as a clarifier of those activities exempt from the temporary permit process. NAC 445A.309 "Diffuse source" defined is proposed to be repealed. (HEARD, BUT WITHDRAWN BY THE DIVISION ON 12/9/1998)

Petition 1999-05 mades temporary amendments to NAC 445A.228 to 445A.292. The amendments clarify wording, remove outdated language, conforms the water pollution regulations to statutes, addresses who must sign a discharge monitoring permit, clarifies establishment of effluent limits and compliance schedules and provides for minor water control discharge permit modifications. The amendments also provide for the transfer of permits to new owners. NAC 445A.105 and 445A.246 was repealed. (ADOPTED)

Non Regulatory Items

The Environmental Commission received a report and recommendations from the Division of Environmental Protection, Bureau of Air Quality, regarding an evaluation of the Clark County Health District Air Pollution Control Division's Emission Credit Program. On June 17, 1998, the Environmental Commission requested the Division to determine whether the Clark County Health District was implementing the recommendations pertaining to an independent management report, issued May 28, 1998, by Stewart, Archibald & Barney, that focused on the District's emission offset program. The Commission also requested that the issue be revisited when the Health Districts's January 1999 audit is completed. The Commission acted to not accept the request from Mr. Robert Hall regarding a his petition dated August 26, 1998 requesting a reconsideration of his previous petition acted upon by the Commission on June 17, 1998. Mr. Hall on December 8, 1998 withdrew his pending petitions before the Commission. The Commission acknowledged Mr. Hall's withdrawal of his requests.

The Nevada Environmental Commission pursuant to Nevada Revised Statute 445B.400 received a request on September 11, 1998, from the U.S. Department of Energy, the Nevada Operations Office, to issue a variance from the 20 percent opacity restriction in Air Quality Operating Permit AP9711-0556 for operations at the Hazardous Materials Spill Center (HSC) located at the southeast section of the Nevada Test Site, approximately 15 miles north of Mercury in Nye County, Nevada. The Commission acted to approve the variance request. The approval was tied to the length of the air quality operating permit (5 years)

A letter from the Advisory Committee on the Control of Emissions from Motor Vehicles, dated September 8, 1998, to the Environmental Commission. This letter discusses recommendations of the Clark County Board of Commissioners to strengthen the vehicle inspection/maintenance program in the Las Vegas Valley. The Commission reviewed the letter but took no action.

A Letter from Michael Naylor of the Clark County Health District dated September 10, 1998 transmitting Resolution #2-98 of the Clark County District Board of Health requesting that the Environmental Commission consider by March 1, 1999, the possible potable water contamination effects associated with summertime gasoline that may be oxygenated with MTBE (Methyl Tertiary Butyl Ether), in deciding whether or not regulations should be adopted that would limit the use of the additive oxygenate MTBE in gasoline. The Commission requested that the Division of Environmental Protection advise the Commission as to the possible consequences of importing MTBE in the Las Vegas Valley.

APPEAL HEARINGS

No appeal hearings were held during this quarter. Elko county filed in the Elko District Court an appeal to the Environmental Commission's decision of September 17, 1998 regarding the matter between the Division of Environmental Protection's Bureau of Water Pollution Control and Elko county on the South Canyon. The Executive Secretary prepared a listing of documents and transmitted them to the State Attorney General. The Attorney General has filed on behalf of the Commission. At the December 8, 1998 day of the hearing Elko county stated they wanted a stay in their appeal before the State District Court. The Environmental Commission concurred with the Elko county stay and so informed the Deputy Attorney General.

SETTLEMENT PENALTY

At the Environmental Commission hearing of December 8, 1998 the Commission heard the matter between the Bureau of Air Quality and Frehner Construction regarding Notice of Alleged Violation #1347. The Commission decided to not fine Frehner, but the Commissioners stated they wanted an onsite visit to Frehner's facility.

SETTLEMENT RATIFICATIONS

The Environmental Commission on December 9, 1998 ratified five air quality settlements.

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
NOAV # 1336	Sierra Chemical Co.	\$ 11,375	Lander
NOAV # 1344 & 1345	Valley Joist	\$ 1,800	Lyon
NOAV # 1346	Alamo X-Press Construction	\$ 600	Lincoln
NOAV # 1337 & 1338	Kal Kan Foods Inc.	\$ 1,500	Storey
NOAV # 1339	Frehner Construction	\$ 10,000	Lyon
QUARTERLY TOTALS		\$ 25,275	
FISCAL YEAR 1999 TOTALS		\$ 92,390	

OVERTIME ACCRUED

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

AS PREPARED BY

David R. Cowperthwaite, Executive Secretary, January 4, 1999

QUARTERLY REPORT NEVADA ENVIRONMENTAL COMMISSION PERIOD OF JANUARY THROUGH MARCH 1999 3rd QUARTER STATE FY 1999

The Nevada State Environmental Commission held one appeal hearing during the quarter. No regulatory hearings were held during the quarter. The appeal hearing was in regards to the Bureau of Waste Management vs Western Elite. The appeal hearing was held in Las Vegas on March 5, 1999. Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 1999.

ID#	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 1999 ***
SEC-005	Number of public hearings	2	1	0		3	5
SEC-007	Number of appeal hearings	1	0	1		2	4
SEC-006	Number of regulations adopted	3	4	0		7	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/3	4/0	0/0		4/3	4/10 ***
SEC-011	Appeals scheduled vs appeals heard	3/1	1/0	1/1		5/2	10/6 ***
SEC-012	Staff Information Responses within 3 days	21/21	17/17	9/9		38/38 100 %	140/140
	Number of ratification	8	5	0		13	-

^{*** -} Reported upon Performance Measures for State Fiscal Year 1999

ENVIRONMENTAL COMMISSION REGULATORY HEARINGS

The Environmental Commission did not hold a regulatory hearing during the quarter. A regulatory hearing was scheduled and the public noticed published for a April 9, 1999 hearing. The petition R-121-98 that was postponed at the December hearing was re-scheduled for April 9, 1999.

APPEAL HEARINGS

One appeal hearings were held during this quarter. The Appeal hearing was in the matter between the Bureau of Waste Management and Western Elite. At the March 5, 1999 hearing the state presented its case in chief. The hearing was continued to April 16, 1999 in Las Vegas. This hearing will be more fully reported upon in the next quarter.

SETTLEMENT RATIFICATIONS

The Environmental Commission did not ratify any air quality settlements during the quarter.

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
QUARTERLY TOTALS		\$ 0	
FISCAL YEAR 1999 TOTALS		\$ 92,390	

OVERTIME ACCRUED

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account.

AS PREPARED BY

David R. Cowperthwaite, Executive Secretary, April 5, 1999

QUARTERLY REPORT NEVADA ENVIRONMENTAL COMMISSION PERIOD OF APRIL THROUGH JUNE 1999 4th QUARTER STATE FY 1999

The Nevada State Environmental Commission held one regulatory and two appeal hearing during the quarter. The appeal hearing in regards to the Bureau of Waste Management vs Western Elite was completed on April 16, 1999. The first day of the appeal hearing was held in Las Vegas on March 5, 1999. The Cynochem America LLC versus Bureau of Air Quality appeal was held on June 9, 1999 in Reno Below is a summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th quarters) for state fiscal year 1999.

ID#	State Environmental Commission	1st	2nd	3rd	4th	Total	FY 1999 ***
SEC-005	Number of public hearings	2	1	0	1	4	5
SEC-007	Number of appeal hearings	1	0	1	2	4	4
SEC-006	Number of regulations adopted	3	4	0	4	11	12
SEC-010	Comparison of Temporary to Permanent Regulations Adopted	0/3	4/0	0/0	2/2	6/5	4/10 ***
SEC-011	Appeals scheduled vs appeals heard	3/1	1/0	1/1	1/1	6/3	10/6 ***
SEC-012	Staff Information Responses within 3 days	21/21	17/17	9/9	10/10	48/48 100 %	140/140
	Number of ratification	8	5	0	3	16	-

^{*** -} Reported upon Performance Measures for State Fiscal Year 1999

ENVIRONMENTAL COMMISSION REGULATORY HEARINGS

The Environmental Commission held a regulatory hearing on April 9, 1999 in Carson City. Two permanent petitions; the repeal of old Lake Tahoe regulations and the expansion of the Chemical Accident Prevention Program were adopted. Two temporary petitions, one dealing with updates to air pollution references and spill reporting were adopted. The petition R-121-98 that was postponed at the December hearing was heard on April 9, 1999.

Petition 96015 (LCB File No. R-110-96) permanently repealed NAC 445A.001 to 445A.026, the Protection of Lake Tahoe. Repealed citations include definitions, permitting requirements for construction of residences, commercial or public facilities. In addition, requirements for subdivisions, alterations of property, community water supply and sewage disposal, and marine toilets was repealed. The regulations repealed have been supplanted by those adopted by the Tahoe Regional Planning Agency.

Petition 1999-06 temporarily amended NAC 445A.347 by removing the Division of Emergency Management in the Nevada Department of Motor Vehicles & Public Safety from the list of agencies required to be notified of spills and releases pursuant to Nevada's water pollution control regulations. The intent of this regulation is to provide for regulatory relief regarding the disclosure of spills and releases. Other emergency reporting requirements were not affected by this amendment.

Petition 1999-07 temporarily amended NAC 445B.001 to 445B.395, the air pollution control regulations. Amendments were made to NAC 445.221 to update the reference to the Code of Federal Regulations from 1997 to 1998. The amendments to 445B.300 extends the expiration of an operating permit from one year to 18 months. NAC 445B.362 and 445B.373 was amended to correct equation errors and add the term "maximum." NAC 445B.383 was amended to correct the references from cubic feet to yards.

Petition 98007 (LCB File No. R-121-98) is a permanent regulation amending NAC 459.952 to 459.9542, the regulation of highly hazardous substances. This regulation implements Senate Bill 266 of the 1997 session to allow delegation of the EPA's Clean Air Act Risk Management Program (RMP), 40 CFR Part 68, to regulate facilities with hazardous substances. Facilities affected by the program are required to prepare risk management plans that would be available to the public. The regulations mesh the existing State authorized Chemical Accident Prevention Program with the Federal Risk Management Program.

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OVERTIME ACCRUED

Budget Account 4149 does not support a payroll beyond those costs paid to Commissioners for attending hearings. Therefore no overtime is accrued for this budget account

APPEAL HEARINGS

Two appeal hearings were held during this quarter. The Appeal hearing was in the matter between the Bureau of Waste Management and Western Elite. At the March 5, 1999 hearing the state presented its case in chief. The hearing was continued to April 16, 1999 in Las Vegas. The Commission acted to uphold the division's finding of August 5, 1998 and for Western Elite to stop receiving construction debris and to reduce the size of the grinded materials to levels specified in the permit by October 1999. The Commission's order was delivered by May 16, 1999. The appellant subsequently filed for judicial review in the 7th District Court, located in Caliente, Nevada. Records were sent to the Attorney General on July 6, 1999.

The second hearing was in the matter of Cyanochem America LLC versus the Bureau of Air Quality. The hearing, held on June 9, 1999 was due to the release of unknown chemicals in January 1999 in the Moundhouse area, east of Carson City. The chemicals, released during a cleaning phase from the adhesive manufacturer, caused temporary afflictions to workers in a nearby industrial facility. The Commission upheld the Divisions finding and order and fined the appellant \$ 6,000. The Commission's order was delivered on June 30, 1999.

SETTLEMENT RATIFICATIONS

The Environmental Commission ratified three settlements at the April 9, 1999 meeting. The fine for Sylvan Spawn Laboratories was reduced from \$4,500 to \$1,500.

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
NOAV # 1359	Sylvan Spawn Laboratories	\$ 1,500	Lyon
NOAV # 1360	Cinderlite Trucking Corp.	\$ 3,000	Lyon
NOAV # 1370 & 1371	Frehner Construction Company	\$ 19,440	Nye
QUARTERLY TOTALS		\$ 23,940	
FISCAL YEAR 1999 TOTALS		\$ 116,330	

AS PREPARED BY

David R. Cowperthwaite, Executive Secretary, July 7, 1999